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**179/2006 Sb.**

**ACT**

of 30 March 2006

**To Regulate the Validation and Recognition of the Results of Continuing Education and to Amend Some Laws**

**(Continuing Education Recognition Act)**

As amended by Act 110/2007 Sb.

As amended by Act 362/2007 Sb.

As amended by Act 223/2009 Sb.

As amended by Act 227/2009 Sb.

As amended by Act 375/2011 Sb., 53/2012 Sb.

As amended by Act 458/2011 Sb.

 The Parliament hereby adopted the following Act of the Czech Republic:

**PART ONE**

**VALIDATION AND RECOGNITION OF RESULTS OF CONTINUING EDUCATION**

CHAPTER I

INTRODUCTION

Section 1

**Object**

 (1) This law regulates:

a) a system for validating and recognizing results of continuing education,

b) qualifications,

c) vocational qualification standards,

d) vocational qualification assessment standards,

e) National Register of Qualifications,

f) rules for awarding, extending and revoking the authorization to validate results of continuing education,

g) rights and obligations of participants in continuing education,

h) competence of public authorities engaged in the validation and recognition of results of continuing education.

 (2) This law is without prejudice to special legislation1 that regulates education, assessment and validation of the results of education, vocational training and professional competence, assessment and recognition of related conditions of vocational qualifications, and other competences required to commence dependent or independent regulated activities, and without prejudice to the application of such laws in the Czech Republic.

§ 2

**Definitions**

 The terms used in the present Act are defined as follows:

a) *Initial education* is pre-school education, primary education, secondary education, conservatory education, tertiary vocational education provided under special legislation2 in nursery schools, primary schools, secondary schools, conservatories and tertiary vocational schools, and education provided by higher educational institutions or their components through accredited study programmes provided under special legislation3;

b) *Continuing education* is all educational activities other than initial education;

c) *A comprehensive vocational qualification* is the professional competence of an individual to duly carry out activities inherent in a particular occupation4;

d) *A vocational qualification* is the professional competence of an individual to duly carry out an activity or a set of activities inherent in a particular occupation or two or more occupations, within the scope and extent specified in a qualification standard;

e) *The National Register of Qualifications* is a public-access register of all comprehensive vocational qualifications and vocational qualifications certified, distinguished and recognized in the Czech Republic;

f) *The qualification standard of a vocational qualification* is a structured description of an individual’s professional competence to pursue an activity or a set of activities inherent in a particular occupation or two or more occupations;

g) *The assessment standard of a vocational qualification* is a set of criteria, organizational and methodical procedures, and essential material and technical elements laid down to validate whether an individual has achieved the level of professional competence required to pursue an activity or a set of activities inherent in a particular occupation, or two or more occupations;

h) *Authorization* is a licence granted to an individual or a legal entity to validate a candidate’s attainment of the level of professional competence set out in the qualification standard for which the authorization is granted, using the process and methods outlined in the applicable assessment standard;

i) *An authorized person* or *entity* is an individual or a legal entity that was awarded an authorization under the present Act;

j*) A representative* is an individual who is a member, owner, an authorized officer, a member of a governing body or an employee of an authorized entity, or an individual having an employment or other similar contract with the authorized entity, and has been appointed by the authorized entity to validate the achievement of professional competence under the present Act;

k) *An authorizing body* is a central administrative authority having the power to grant, extend and revoke the authorization to validate vocational qualifications for certain occupations that fall within its sphere of competence, laid down in the annex attached to this Act, or vocational qualifications for certain occupations that fall most closely to its sphere of competence; in the event of dispute, the competence of a specific authorizing body will be assigned by the Ministry of Education, Youth and Sports (the “Ministry) acting in accord with the Ministry of Labour and Social Affairs.

CHAPTER II

QUALIFICATIONS, NATIONAL REGISTER OF QUALIFICATIONS, QUALIFICATION AND ASSESSMENT STANDARDS

Section 3

**Subdivision of qualifications**

 The present Act distinguishes between comprehensive and vocational qualifications; in the normal scheme of things, vocational qualifications form part of comprehensive qualifications. A single vocational qualification may be classified under two or more comprehensive qualifications.

Section 4

**Comprehensive vocational qualifications**

 (1) The attainment of a comprehensive vocational qualification is certified by:

a) a certificate or a set of certificates affirming that an individual duly graduated from an accredited bachelor, master or doctoral study programme identified in the National Register of Qualifications (hereafter referred to as a certificate”); or

b) a certificate, identified in the National Register of Qualifications, issued after graduation from initial education affirming that an individual completed an education level or an education level in a particular programme of study.

 (2) The attainment of comprehensive qualification for a particular occupation is also certified by:

a) passing a final examination, Maturita examination or a graduation examination from a conservatory under special legislation5) in a school recorded in the Registry of Schools and Educational Institutions, and by a document affirming the attainment of the educational level in a programme of study identified in the National Register of Qualifications that was preceded by the attainment of the applicable vocational qualifications certified under the present Act, or

b) a document affirming the attainment of the education level identified in the National Register of Qualifications, issued after graduation from initial education and the attainment of the applicable vocational qualification or vocational qualifications certified under the present Act and identified in the National Register of Qualifications.

 (3) The list of comprehensive vocational qualifications distinguished, certified and recognized in the Czech Republic is approved, amended and revoked by the Ministry and published in the National Register of Qualifications. Professional competence achieved through the attainment of an education level in a programme of study under special legislation6 is listed in the National Register of Qualifications under at least one comprehensive vocational qualification.

Section 5

**Vocational Qualifications**

 (1) The list of vocational qualifications distinguished, certified and recognized in the Czech Republic is approved, amended and revoked by the Ministry in consideration of labour market needs, and published in the National Register of Qualifications.

 (2) Where the achievement of comprehensive vocational qualification is affirmed by a certificate of educational attainment in a particular study programme under Section 4 (2)(a), the vocational qualification always forms part of a comprehensive qualification. In cases where a comprehensive qualification is achieved by a process described under Section 4 (2)(b), the vocational qualification does not have to form part of a comprehensive qualification. The subdivision of comprehensive vocational qualifications into individual vocational qualifications is assessed and factored in by the Ministry in drafting framework educational programmes under special legislation2.

 (3) Vocational qualifications attained within the continuing education system are validated subject to the conditions set forth in Sections 17 to 20.

 (4) Within the continuing education system, the attainment of the vocational qualification is certified by a certificate issued under Section 19.

Section 6

**National Register of Qualifications**

 (1) The National Register of Qualifications is administered and published electronically through a remote access system by a state funded organization established by the Ministry for this purpose (hereafter referred to as Agency).

 (2) The National Register of Qualifications records the following data about each comprehensive vocational qualification:

a) the name and numeric designation (code) of the comprehensive vocational qualification;

b) a reference to an occupation4 or occupations to which the comprehensive vocational qualification applies;

c) for comprehensive vocational qualifications that entail several individual vocational qualifications, a list of all vocational qualifications that must be attained in order to achieve the comprehensive qualification under Section 4 Paragraph 2;

d) documents under Section 4 Paragraph 1 and 2, or a set of documents to certify the attainment of the comprehensive vocational qualification.

 (3) The National Register of Qualifications records the following data about each vocational qualification:

a) the name and numeric designation (code) of the vocational qualification;

b) the qualification standard of the vocational qualification and a reference to other related qualifications;

c) a list of occupations4 that require the professional competence to be achieved by attaining the vocational qualification;

d) the assessment standards of the vocational qualification and an entry showing whether special medical fitness requirements must be satisfied to take the examination;

e) for vocational qualifications that form part of comprehensive qualifications, a list of all related vocational qualifications that must be attained to achieve the comprehensive qualification under Section 4 Paragraph 2;

f) the name of the competent authorizing body;

g) a list of persons or entities authorized to validate the attainment of the level of professional competence that is required to acquire the certificate of educational attainment for the relevant vocational qualification, showing the data set forth in Section 15 Subparagraph b) to f),

h) an entry showing whether the examination is before an authorized person or an examining board; for examinations to be held before the examining board, information about the number of examining board members who must attend the examination to validate the attainment of the vocational qualification.

Section 7

**Qualification Standards of Vocational Qualifications**

 (1) Qualification standards are approved, amended and revoked by the Ministry acting in accord with the competent authorizing body.

 (2) Proposals for and amendments to qualifications standards are drawn up by the Agency acting in cooperation with the National Council for Qualifications (hereafter referred to as the Council) and the Ministry of Labour and Social Affairs, and are presented to the Ministry for approval. In preparing the qualification standards, the Agency also cooperates with professional bodies, chambers and associations, interest associations, employers’ associations, learned and expert societies, associations of legal entities acting as schools recorded in the Registry of Schools and Educational Institutions, and with representatives of higher education institutions.

 (3) The approval, amendment and revocation of qualification standards is announced in a bulletin published by the Ministry of Education, Youth and Sports (hereafter referred to as the Bulletin).

 (4) Qualification standards are published by the Agency by incorporation in the National Register of Qualifications.

Section 8

**Assessment Standards of Vocational Qualifications**

 (1) Assessment standards are derived from qualification standards.

 (2) Assessment standards are approved, amended and revoked by the Ministry.

 (3) Drafts and amendments of assessment standards are drawn up by the Agency acting in cooperation with the Council, the Ministry of Labour and Social Affairs and the competent authorizing body, and are presented to the Ministry for approval. In preparing the assessment standards, the Agency also cooperates with professional bodies, chambers and associations, interest associations, employers’ associations, learned and expert societies, associations of corporate bodies persons acting as schools recorded in the Registry of Schools and Educational Institutions, and with representatives of higher education institutions.

 (4) The approval, amendment and revocation of assessment standards are announced in the Bulletin.

 (5) Assessment standards are published by the Agency by incorporation in the National Register of Qualifications.

CHAPTER III

RULES FOR AWARDING, EXTENDING AND REVOKING AUTHORIZATIONS

Section 9

**Granting Authorization**

1. Authorization is granted by an authorizing body upon written application.

 (2) Subject to satisfaction of all conditions laid down in the present Act, an applicant has a legal entitlement to the authorization.

 (3) The grant of an authorization is subject to an administration fee set forth in special legislation7.

Section 10

**Conditions for Granting Authorization to Individuals**

 (1) Where an individual applies for authorization, the authorizing body shall award the authorization subject to the conditions that

a) the applicant possesses full legal capacity,

b) the applicant is a person of good character,

c) the applicant satisfies the authorizing body that he or she possesses the level of professional competence required to obtain the certificate of vocational qualification,

d) the applicant satisfies the authorizing body that he or she has had at least 5 years of professional experience in an occupation that requires the professional competence which the applicant wishes to validate once he or she receives the authorization to do so;

e) the applicant submits an affirmation that he or she is apprised of the current state of knowledge in the field of the vocational qualification and the corresponding occupations;

f) the applicant satisfies the authorizing body that he or she fulfils the essential material and technical requirements for holding the examination as described in Section 18 under the terms of the assessment standard for the vocational qualification,

g) the applicant’s estate was not adjudicated bankrupt in the preceding 5 years, no insolvency proceedings were initiated against the applicant, the applicant’s estate is not being liquidated, no bankruptcy petitions were filed against the applicant and dismissed because the applicant’s estate was found insufficient to cover the costs of the proceedings, no bankruptcy proceedings against the applicant were terminated on account of the applicant’s compliance with the resolution to distribute the estate or cancelled because the applicant’s estate was found lacking;

h) the applicant submits an affirmation that he or she has no outstanding arrears on any payments due to tax or customs authorities of the Czech Republic; the affirmation may not predate the application by more than 30 days;

i) the applicant has applied for authorization to validate a vocational qualification for which there exists a duly approved and enacted qualification and assessment standard.

 (2) For the purposes of the present Act, a person of good character is a person who was not sentenced by a final and conclusive judgment

a) for an intentional crime, or

b) for a negligent crime committed in connection with activities pursued in the capacity of an authorized person under the present Act, except where the conviction was expunged from the criminal record or where the applicant is treated as if never sentenced.

 (3) The professional competence requirements that the applicant must satisfy to receive the authorization for a specific vocational qualification and the evidence needed to prove the satisfaction of the requirements are laid down in the assessment standard of the vocational qualification.

 (4) The professional experience noted in Paragraph 1 Subparagraph d) also includes first-hand teaching experience of teachers at schools recorded in the Registry of Schools and Educational Institutions which provide education that allows students attain the corresponding comprehensive vocational qualification under the National Register of Qualifications.

 (5) The condition set out in Paragraph 1 Subparagraph b) is satisfied by submitting a statement of clean criminal record issued within the preceding 3 months; where the applicant is not a Czech citizen, the condition is satisfied by submitting a statement issued by the applicable public authority of the applicant’s country of origin or by the public authority of the country in which the applicant resided for more than 3 uninterrupted months over the preceding 3 years; the statement may not predate the application by more than 3 months. If serious reasons prevent the applicant from submitting either document, the condition may be satisfied by submitting an affirmation. Conditions set out in Paragraph 1 Subparagraph h) may also satisfied by submitting an applicant’s affirmation.

 (6) An authorized sole proprietor may appoint one or more employees or other persons engaged under an employment or other similar contract to act as his or her representative(s) subject to submitting the evidence that the representative(s) satisfy the conditions set out in Paragraph 1 Subparagraph a) to e).

Section 11

**Conditions for Granting Authorization to Legal Entities**

 (1) Where a legal entity applies for an authorization, the authorizing body shall grant the authorization subject to the condition that

a) the applicant satisfies the authorizing body that it fulfils the essential material and technical requirements for holding the examination described in v Section 18 under the terms of the assessment standard of the relevant vocational qualification;

b) the applicant appoints at least one individual from its members, owners, authorized officers, members of its bodies, employees or other persons engaged under an employment or other similar contract to act in the applicant’s name as its representative(s), and submits evidence that the individual satisfies the conditions set out in Section 10 Paragraph 1 Subparagraph a) to e);

c) the applicant’s estate was not adjudicated bankrupt in the preceding 5 years, no insolvency proceedings were initiated against the applicant, the applicant’s estate is not being liquidated, no bankruptcy petitions were filed against the applicant and dismissed because the applicant’s estate was found insufficient to cover the costs of the proceedings, no bankruptcy proceedings against the applicant were terminated on account of the applicant’s compliance with the resolution to distribute the estate or cancelled because the applicant’s estate was found lacking;

d) the applicant has no outstanding arrears recorded in the register of taxes, no arrears on any premium or fines payable to public healthcare insurance or on any social security contributions or public unemployment policy contributions;

e) the persons acting as the applicant’s representatives and as members of the applicant’s governing body are persons of good character (Section 10 Paragraph 2),

f) has applied for an authorization to validate a vocational qualification for which there exists a duly approved and enacted qualification and assessment standard.

 (2) Conditions set forth in Paragraph 1 Subparagraph c) a d) may also be satisfied by submitting an affirmation. Individuals are to satisfy the condition set forth in v Paragraph 1 Subparagraph e)by submitting a statement of clean criminal record issued within the preceding 3 months; where the person is not a Czech citizen, the condition is satisfied by submitting a statement issued by the applicable public authority of the person’s country of origin or by the public authority of the country in which the person resided for more than 3 uninterrupted months in the preceding 3 years; the statement may not predate the application by more than 3 months. If serious reasons prevent the person from submitting either document, the condition may be satisfied by submitting an affirmation.

 (3) Conditions set out in Paragraph 1 Subparagraph c) to e)do not have to be satisfied by a legal entity that acts as a school recorded in the Registry of Schools and Educational Institutions and licensed to provide education and issue certificates of education attainment in the programme of study in which a person may achieve the comprehensive vocational qualification that includes the vocational qualification to be validated by the authorized entity. The legal entity described in the first sentence of this clause may satisfy the conditions set out in Section 10 Paragraph 1 Subparagraph a) to d) as applicable to individuals identified in Paragraph 1 Subparagraph b) by an affirmation.

Section 12

**Representatives**

 (1) A single individual may represent only one authorized entity or an authorized sole proprietor.

 (2) A representative may not concurrently act as an authorized person for the same vocational qualification.

 (3) A representative discharges his tasks and duties under Section 304 of the Labour Code.

 (4) A representative must satisfy the conditions set forth in Section 10 Paragraph 1 Subparagraph a) to e).

Section 13

**Common Provisions on Granting Authorizations**

 (1) Authorization may be granted for a vocational qualification for which there exists an approved qualification and assessment standard.

 (2) Authorization is granted for the period of 5 years.

 (3) Authorization may be extended repeatedly by 5 additional years through an application filed at least 3 months before the authorization expires. The authorization extension process is regulated by the relevant provisions of the present Act with necessary modifications.

 (4) Once granted, authorization cannot be transferred to another person or entity and may not pass to legal successors.

Section 14

**Duties of Authorized Persons/Entities**

 (1) Authorized persons and entities must report in writing, within 15 days, to the authorizing body from which it received its authorization, any changes occurring over the term of authorization that affect compliance with the conditions set forth in Section 10 Paragraph 1 (authorized persons) or in Section 11 Paragraph 1 and Section 12 Paragraph 4(authorized entities). An authorized entity must also report any changes that affect the application of Section 11 Paragraph 3.

 (2) Authorized persons and entities must report in writing, within 15 days, to the authorizing body from which they received their authorization, any changes occurring over the term of authorization that affect their entry in the National Register of Qualifications, specifically in the list of authorized persons and bodies under Section 15 Subparagraph b) a c), including any changes involving their representatives.

 (3) Authorized persons and entities must publish scheduled examination date at least 5 days in advance; the public must be able to access the information remotely.

Section 15

**Records of Authorized Persons/Entities**

 On the first day of the month following the registration or change in the authorized persons’ or bodies’ information, authorizing bodies submit to the Ministry for publication in the National Register of Qualifications the new or updated information listed under paragraphs a) to f), specifically:

a) the name of the authorizing body that awarded the authorization,

b) for authorized persons, their name or names, surname, data of birth, permanent address, and names, surnames and birthdates of representatives appointed by an authorized sole proprietor; for authorized entities, their business name or designation, registered office, legal form, identification number assigned by the competent authority7) and the names, surnames and date births of their representatives;

c) the contact address of the authorized person or entity, including, if possible, their e-mail address and telephone number;

d) the reference number and the date of the decision whereby the authorizing body awarded or extended the authorization;

e) the name of the vocational qualification for which the authorizing body awarded the authorization;

f) the term of authorization.

Section 16

**Expiration and Revocation**

 (1) The authorization expires,

a) for authorized persons or authorized sole proprietor:

1. by the person’s death,

2. by declaration of the person’s death,

3. by expiry of the term of authorization,

4. by revocation,

b) for authorized entities,

1. by dissolution of the authorized entity or the termination of its legal existence;

2. by expiry of the term of authorization,

3. by revocation.

 (2) The authorizing body revokes the authorization for the following causes:

a) the authorization is discovered to have been granted on the basis of false information;

b) the authorized person or entity no longer complies with the terms and conditions of its authorization;

c) the authorized person or entity forfeits the status that allowed for the application of Section 11 Paragraph 3 and fails to satisfy without delay the conditions set forth in Section 11 Paragraph 1 Subparagraph a) and d) to f),

d) the authorized person or entity seriously or repeatedly violates the law in connection to its activities as an authorized person or entity,

e) the authorized entity does not have any appointed representative for the period of more than 2 months, or

f) the authorized person or entity applies for the revocation of its authorization.

 (3) A serious violation of law under Paragraph 2 Subparagraph d) includes

a) a violation of the duty to report to the authorizing body the changes under Section 14,

b) a violation of the duty to report to the authorizing body the location and date of examination under Section 17 Paragraph 5, 8 and 10,

c) a violation of the duty to assess the attainment of the vocational competence in compliance with the applicable assessment standard,

d) an authorized person’s, entity’s or representative’s failure to attend the examination on two or more occasions without serious cause.

 (4) Where the authorization is revoked for the cause identified in Paragraph 2 Subparagraph d), the authorized person or entity may not be awarded the authorization for the same vocational qualification for 5 years from the final and effective date of the revocation.

 (5) Without delay after the effective date of the decision to revoke the authorization or after having been apprised of any other reason for expiration, the authorizing bodies shall submit the information about the expiration or revocation of the authorization to the Ministry’s organisation, which shall publish the change in the National Register of Qualifications.

CHAPTER IV

ASSESSMENT OF PROFESSIONAL COMPETENCE

Section 17

**General conditions for assessing professional competence**

 (1) The level of professional competence needed to attain a vocational qualification shall be validated by an examination held in conformity with the assessment standard for the target vocational qualification.

 (2) An application to take the examination may be filed by any candidate (hereafter referred to as the candidate) who is over 18 years of age with at least elementary education, or by any candidate that attends a retraining programme under the Employment Act19.

 (3) To attend the examination, the candidate must submit a completed examination application form, published by the Ministry in a fashion that allows remote access, and pay the examination fee (hereafter referred to as the fee). The candidate must send the completed examination application form to an authorized entity or person listed in the National Register of Qualifications and having the authorization for the target vocational qualification; this provision applies even where the examination is to be held before an examining board under Section 18 Paragraph 1.

 (4) The candidate’s professional competence is assessed and evaluated by the authorized person/entity or by an examining board (Section 18 Paragraph 1 and 2). An examination may be held and taken only where a duly approved qualification and assessment standards exist for the target vocational qualification, and where authorization for the vocational qualification has been awarded to at least 1 person, or to 2 or 3 persons, if the examination is to be held before an examining board.

 (5) The authorized person or entity that receives the examination application sends the candidate an invitation to take the examination within 21 days from the delivery of the application. The authorized person or entity must also send a copy of the invitation to the authorizing body for reference.

 (6) In the absence of the candidate’s and authorized person’s or entity’s agreement to the contrary, the examination is to be held within 3 months from the delivery of the application. If the assessment standard sets forth a specific period within the calendar year when the examination may be held, the candidate and the authorized person or entity may only agree on a date that falls within such period.

 (7) The authorized persons or entities are entitled to an examination fee. Where the examination is held before an examining board, the candidate will pay the fee to the board’s chairperson (Section 18 Paragraph 3). The candidate must pay the fee to the authorized person or entity no later than 7 days before the date or the start of the examination, unless the candidate and the authorized person or entity agree on a later date. The fee is treated as the authorized person’s/entity’s income; where the examination is held before an examining board, the fee will be distributed equally among all authorized persons or entities who sit in the examining board or who are represented in the examining board by a representative or representatives. If all members of the examining board represent a single authorized entity, the fee is treated as the income of such particular authorized entity. The general legislation on fees and charges shall not apply8.

 (8) If a candidate cannot attend the examination at the agreed date for medical or other serious reasons, he or she may ask the authorized person/entity or the examining board’s chairperson to reschedule the examination at least 2-day notice. The authorized person/entity or the chairperson of the examining board may waive the 2-day notice requirement if the circumstances deserve a special consideration. If the authorized person/entity or the board’s chairperson meet the request and reschedule the examination to an alternate date, the candidate and the authorizing body will be informed about the alternate date. If the alternate date does not suit the candidate, the authorized person/entity and the candidate agree on a different date within 6 weeks from the delivery of the examination invitation.

 (9) If a candidate fails to appear at the examination on the date set forth under Paragraph 6 or 8, he or she is held to have failed the examination; the examination fee is not refundable.

 (10) If the examination fails to be held on the date set forth under Paragraph 6 or 8 because an authorized person/entity or a member of the examining board fails to attend the examination, the examination is to be rescheduled to an alternate date to be agreed by the parties; this is without prejudice to the statutory regulation of remedies. The authorized person/entity or the examining board’s chairperson shall inform the authorizing body of the alternate examination date.

Section 18

**Examinations**

 (1) The examination is held before an authorized person/entity authorized to validate the target vocational qualification, or, if set out in the assessment standard for the vocational qualifications being examined, before a 2- or 3-member examining board (hereafter referred to as the examiner).

 (2) An examiner is (a) a representative of the authorized entity or individual authorized to validate, in the name of an authorized entity, the attainment of the vocational qualification, or (b) a person authorized to validate the vocational qualification, or (c) a member of an examining board who is a person authorized to validate the vocational qualification or who is a representative of a person authorized to validate the vocational qualification, that was appointed by an authorized person or entity to validate in its name the attainment of the target vocational qualification. An examining board may consist of several representatives appointed by the same authorized entity or person.

 (3) If an examination is to be held before an examination board, chaired by an authorized person or a representative of an authorized sole proprietor or an authorized entity with authorization for the respective vocational qualification, the chairperson shall appoint the other members of the examination board from authorized persons with authorization for the respective vocational qualification or from representatives of authorized sole proprietors or authorized legal entities with authorization for the respective vocational qualification; the chairperson shall also arrange their cooperation during the examination..

 (4) Before the examination, the candidate must present proof of identity, and for certain vocational qualifications specified in the National Register of Qualifications, proof of medical fitness or other documents set out in the National Register of Qualifications. If the candidate fails to present the documents required, he or she will not be admitted to take the examination.

 (5) Examinations are public. The practical part of a multipart examination or a practical examination may be closed to the general public for sanitary reasons or for occupational health and safety reasons.

 (6) Where the candidate presents a valid vocational qualification certificate or a comprehensive vocational qualification certificate in order to prove that he or she previously demonstrated skills overlapping in its scope and contents with the vocational qualification being examined, the examiner(s) shall recognize the candidate’s previous vocational qualification for examination purposes. This means that the examiner shall release the candidate from the duty to complete those parts of the examination corresponding to skills which have previously been examined, except where this would intervene with the due validation of other requirements set forth in the assessment standard.

 (7) The examiner must take due care to assure that the examination proceeds in compliance with the applicable assessment standard, that the assessment is unbiased and satisfies the requirements set forth by the assessment standard.

 (8) Where the examination is held before an examining board, responsibility for the fairness of the examination and for the compliance with the duties laid down in Paragraphs 12 and 13 is vested in the examining board’s chairperson. All members of the examining board must attend the examination; where the constant presence of all board members is impossible for organisational reasons, the chairperson appoints a member of the examining board who will be responsible for the fairness and due process of that part of the examination. The examining board decides on the outcome of the examination or any other related matter by a simple majority of its members. In the event of tie, the chairperson has the casting vote.

 (9) The form of the examination or its parts depends on the scope of work activities for which the candidate attempts to attain the vocational qualifications through the examination, as set forth in the assessment standard.

 (10) The assessment standard sets out the preparation time for the examination or its part(s) and the duration of the examination or its part(s).

 (11) The candidate is held to have passed the examination if he or she satisfies the requirements set out in the assessment standard.

 (12) The authorized person or entity shall inform the candidate of the examination outcome by written notice handed out in person or sent to the candidate by regular mail within 5 days from the examination date or the date of the last part of the examination. If the candidate passes the examination, the authorized person or entity will concurrently hand over in person or send to the candidate by mail the certificate issued under Section 19 within the deadline set forth in the previous sentence.

 (13) The authorized person/entity shall draw up a report of the process and outcome of the examination and shall send the report to the authorizing body from which he/she/it received the authorization, together with a copy of the candidate’s certificate. The authorized person/entity shall draw up and send the documents within 1 month of the date of the examination or the date of the last part of the examination, except where the authorizing body requests the documents at shorter notice in order to review the examination process and outcome under Section 20.

Section 19

**Certificates**

 (1) The certificate affirms that the candidate passed the examination and attained the target vocational qualification. The certificate is a public instrument issued by the authorized person that held the examination or by the chairperson of the examining board, if held before the board.

 (2) The essential elements of the certificate include:

a) candidate’s name or names, surname, academic title;

b) candidate’s birth registration number (if assigned) or date of birth;

c) candidate’s place of birth;

d) examination date and certificate issue date;

e) name of the vocational qualification attained and validated by the examination.

 (3) The certificate shall show a list of professional competences achieved, the identification of the examiner or members of the examining board if the examination is held before one, specifically their name or names, surname(s) and the authorization number of the authorized person, or the name(s) and surname(s) of the representative and the authorization number and the business name or designation of the authorized entity and the registered office of the authorized entity. The certificate must be signed by the examiner or the examining board’s chairperson, and stamped with the official seal showing a small national emblem of the Czech Republic10, affixed next to the name, surname and authorization number of the authorized person, or next to the business name or designation and registered office of the authorized entity, whichever is applicable.

 (4) Certificates and reports on the process and outcome of the examination, and copies of the same, are to be treated as official archival documents; in archiving the copies of the certificates and reports, authorizing bodies, authorized entities, and authorized persons (with necessary modifications) shall proceed in compliance with the applicable provisions of the legislation on archival documents11, such as apply to schools recorded in the Registry of Schools and School Institutions.

 (5) Transcripts and copies of certificates shall be issued in compliance with special legislation regulating the issue of transcripts and copies of certificates by schools recorded in the Registry of Schools and Educational Institutions12, applied with necessary modifications. If the person that issues the original certificate forfeits the authorization for the vocational qualification at issue, or, where the examination is held before an examining board, the authorization is forfeited by the chairperson of the respective examining board or the authorized entity represented by the chairperson in the examining board, the copy shall be issued by the authorizing body based on the documents referred to in Section 18 Paragraph 13. Where the documents are kept in archive, the process of issuing the copies shall be governed by special legislation11.

Section 20

**Review of the Process and the Outcome of Examination**

 (1) Within 15 days from the delivery of the letter about the examination’s outcome, the candidate may appeal in writing to the respective authorizing body to review the conduct and outcome of the examination.

 (2) The authorizing body shall inspect the minutes and other records kept by the examiner and other persons attending the examination. The authorizing body shall decide on the review application within 60 days of its delivery. The authorizing body shall either uphold the outcome of the examination or, where it finds that the candidate was assessed contrary to the process described in Section 18 or where it identifies other material irregularities that could have influenced the due process of the examination or its assessment, the authorizing body shall order a repeat examination. The authorizing body shall deliver its decision to the candidate and to the authorized person/entity or the examining board’s chairperson.

 (3) The repeat examination is held within 30 days of the delivery of the decision on the review application of the candidate. The examination is held before the authorized person/entity or the examining board that conducted the original examination. The repeat examination shall be attended by a representative of the authorizing body. Where the authorizing body identifies material irregularities in the conduct or marking of the repeat examination, the authorizing body shall proceed under Section 16 Paragraph 2 Subparagraph d).

 (4) The costs of the repeat examinations shall be borne by the authorized person of entity; the candidate shall not pay any additional fee.

 (5) The candidate may inspect all materials related to the conduct and marking of his or her examination.

CHAPTER V

RECOGNITION OF THE RESULTS OF CONTINUING EDUCATION WITHIN THE INITIAL EDUCATION SYSTEM

Section 21

 Vocational qualifications attained through continuing education under Section 5 for the purposes of attaining an education level within the initial education system are recognized by a school principal under the terms of and subject to the conditions laid down in special legislation2.

CHAPTER VI

BODIES INVOLVED IN THE VALIDATION AND RECOGNITION OF THE RESULTS OF CONTINUING EDUCATION

Section 22

**Authorizing bodies**

 In connection with the validation and recognition of the results of continuing education, authorizing bodies also discharge the following tasks and duties:

a) they participate in the preparation and amendment of qualification standards and assessment standards (Section 7 and 8),

b) they grant, extend and revoke authorizations (Sections 9 to 13 and 16),

c) they keep a record of authorized persons and entities (Section 9), containing the entries set forth in Section 15,

d) they submit to the Ministry the data to be kept on the list of authorized persons and entities in the National Register of Qualifications (Section 15),

e) they monitor and supervise the activities of authorized persons and entities, including the fairness of the processes for administering examination and issuing certificates and compliance with applicable standards, acting largely through their representatives attending the examinations under Section 18 and 20,

f) they send to social security authorities a copy of the decision to grant, extend and revoke authorization to authorized persons within 30 days of the effective date of the decision,

g) they keep a record of the outcome of examinations conducted by authorized persons and entities, and a record of certificates thus issued (Sections 18 to 20),

h) they hear cases of administrative offences.

Section 23

**The Ministry**

 In connection with the validation and recognition of the results of continuing education, the Ministry discharges the following tasks and duties:

a) it coordinates the activities of central administrative authorities under the present Act,

b) it approves, modifies, revokes and issues a list of comprehensive vocational qualifications and vocational qualifications classified in accordance with the competence of authorized entities,

c) it approves, modifies and revokes qualification and assessment standards (Section 7 and 8),

d) it provides for the Council’s material requirements and funding,

e) it sets aside and distributes the funds from the state budget through regional authorities to legal entities that (i) act as schools recorded in the Registry of Schools and Educational Institutions and that (ii) are not founded by the State or a registered church or a religious society authorized to set up church schools, in order to settle the necessary and verifiable costs of final examinations, Maturita examinations and graduation examinations from conservatories, held under special legislation14 in a secondary school or conservatory, and taken by candidates having attained under the present Act vocational qualifications that attest in aggregate the acquisition of all professional skills required to perform all work activities within a particular occupation, as laid down in the National Register of Qualifications, without attending the school as students;

f) it sets aside and distributes funds from the state budget to legal entities that (i) act as schools recorded in the Registry of Schools and Educational Institutions and (ii) are founded by the State or a registered church or a religious society authorized to set up church schools13 in order to settle the necessary and verifiable costs of final examinations, Maturita examinations and graduation examinations from conservatories, held under special legislation14 in a secondary school or a conservatory, and taken by candidates having attained under the present Act vocational qualifications that attest in aggregate the acquisition of all professional competencies required to perform all work activities within a particular occupation, as laid down in the National Register of Qualifications, without attending the school as students.

Section 24

**The Council**

 (1) The Council is the Ministry’s advisory body for the area of qualifications.

 (2) The Council has 18 members. The chairperson, the vice-chairperson and other Council members are appointed and recalled by the Minister of Education, Youth and Sports.

 (3) The Minister of Education, Youth and Sports appoints Council members taking into account their professional competence,

a) from persons nominated by

1. central administrative authorities and other governmental organisations of the Czech Republic,

2. professional chambers, interest and professional associations, employers’ associations, trade unions, learned societies, associations of legal entities acting as schools recorded in the Registry of Schools and Educational Institutions, and by higher education institutions,

b) from experts in the fields of education, qualifications, employment relations or funding of continuing education.

 (4) Council members are appointed for a period of 3 years. At the Council creation however, the Minister of Education, Youth and Sports shall appoint one third of Council members for a term of one year, and one third of Council members for a term of two years. Council members may be appointed repeatedly.

 (5) The Council shall discharge the tasks laid down in the present Act, including, but not limited to

a) negotiating of matters relevant for the preparation of the National Register of Qualifications and its practical application,

b) assessment of other matters relevant to or related to qualifications or continuing education as submitted by the Ministry, and issuing opinions on such matters.

 (6) The Council may set up working groups to prepare materials for its meetings.

 (7) The Council acts, and its working groups act and are appointed, in compliance with the Council’s Rules of Procedure, which are subject to approval by the Minister of Education, Youth and Sports.

 (8) The material and financial conditions of Council’s operations are secured and provided for by the Ministry.

 (9) Council members and Council working group members pursue their tasks in the public interest under special legislation 15). This means that Council and its working group members are entitled to a leave without pay and to travel and catering expenses in the amount laid down in special legislation16 for employees with an employment contract; they may receive remuneration in the amount set forth by the Ministry and are entitled to compensation of other demonstrable expenses allowed by the Ministry, provided they are relevant to the discharge of the office of Council or working group member.

CHAPTER VII

ADMINISTRATIVE OFFENCES

Section 24a

 (1) An authorized person commits an administrative infraction when

a) acting contrary to Section 14 Paragraph 1 or 2, he or she fails to inform the authorizing body of the changes occurring during the term of his authorization, or fails to inform the authorizing body in time,

b) he or she fails to publish an examination date under Section 14 Paragraph 3,

c) he or she fails to send a candidate an examination invitation under Section 17 Paragraph 5,

d) he or she fails to inform a candidate or the authorizing body of an alternate examination date under Section 17 Paragraph 8 or 10, or

e) acting contrary to Section 18 Paragraph 12, he or she fails to inform a candidate of his or her examination result, or fails to send a certificate to a successful candidate.

 (2) The administrative infraction under Paragraph 1is punishable by a fine of up to CZK 20,000.

Section 24b

 (1) An authorized entity or authorized sole proprietor commits an administrative infraction when

a) acting contrary to Section 14 Paragraph 1 or 2, it fails to inform its authorizing body of changes occurring during the term of its authorization, or fails to inform the authorizing body in time,

b) it fails to publish an examination date under Section 14 Paragraph 3,

c) it fails to send a candidate an examination invitation under Section 17 Paragraph 5,

d) it fails to inform a candidate or the authorizing body of an alternate examination date under Section 17 Paragraph 8 or 10, or

e) acting contrary to Section 18 Paragraph 12, it fails to inform a candidate of his or her examination result, or fails to send a certificate to a successful candidate.

 (2) The administrative infraction under Paragraph 1 is punishable by a fine of up to CZK 20,000.

Section 24c

 (1) A legal entity shall not be held liable for an administrative infraction if it proves that it used all reasonable endeavours to prevent the violation of the respective statutory duty.

 (2) In setting the fine payable by the legal entity, the competent administrative authority shall take into account the gravity of the infraction, how it was committed, its consequences and the circumstances in which it was committed.

 (3) The legal entity’s liability for the administrative infraction lapses if the administrative authority fails to initiate proceedings within 1 year from learning of the infraction or within 3 years from the date of the infraction.

 (4) The liability for acts committed in the course of or in connection with business activities of a sole proprietorl20 shall be governed by the Act’s provisions on the liability of and possible sanctions that may be imposed on legal entities.

 (5) The tribunal of first instance for administrative infractions under this Act shall be the competent authorizing body under Section 2 Subparagraph k).

CHAPTER VIII

COMMON PROVISIONS

Section 25

 (1) The purpose of the process laid down in Sections 4 to 8, 17 to 19 and 23 is not to issue a decision that creates, modifies or revokes the rights and duties of a specific person or entity, or to issue a decision that determines whether or not such person or entity possesses certain rights or owes certain duties in the matter at hand17).

 (2) The Code of Administrative Procedure does not apply to decisions made under Section 20.

 (3) Where the last day of the time limit set out in Section 14, Section 17 Paragraph 5 to 8, Section 18 Paragraph 11 and 12 and Section 20 Paragraph 1 to 3 falls upon a public holiday, the last day of the time limit shall be postponed to the next business day.

 (4) The delivery of documents under Section 17 to 20 shall be governed by the relevant provisions of the Code of Administrative Procedure 18), applied with necessary modifications.

 (5) The Ministry shall draw up a statutory instrument to regulate the details of the authorization process for authorized persons and entities, the essential elements of the examination invitation, the examination process, the examination fee, the process for reporting the costs under Section 23 Subparagraph e) and f) by legal entities acting as schools, the essential and formal elements of the certificate form, the detailed procedure for archiving copies of certificates and reports on the process and outcome of examinations, and, acting in cooperation with the Ministry of Labour and Social Affairs, shall draw up detailed specifications of the contents, structure and administration of the National Register of Qualifications, including the deadlines and conditions for recording data about individual qualifications in the National Register of Qualifications.

**PART TWO**

**Amendment of the Act to Establish Ministries and Other Central Administrative Authorities of the Czech Republic**

Section 26

 The following words shall be inserted at the end of paragraph 2 of Section 7 of Act 2/1969 Sb., “To Establish Ministries and Other Central Administrative Authorities of the Czech Republic”, as amended by Act 60/1988 Sb., Act 575/1990 Sb., Act 21/1993 Sb., Act 272/1996 Sb., Act 18/2004 Sb. and Act 362/2004 Sb.: “and in attaining qualifications within the continuing education system under special legislation1a".

 The footnote 1a shall state:

 "1a) Act 179/2006 Sb.,’To Regulate the Validation and Recognition of Results of Continuing Education and To Amend Some Laws’ (Continuing Education Recognition Act)."

**PART THREE**

**Amendment of the Education Act**

Section 27

 Act 561/2004 Sb., “on Pre-school, Primary, Secondary, Tertiary Vocational and Other Education” (the Education Act), amended by Act 383/2005 Sb., shall be amended as follows:

 1. The heading of Part 9 shall read: "CONTINUING EDUCATION IN SCHOOLS".

 2. Paragraph 8 in Section 8 shall be erased.

 3. A new section, Section 8a, shall be inserted after Section 8 as follows (including the heading):

"Section 8a

**Designation of Legal Entities and State Bodies**

 (1) The names of legal entities and state bodies pursuing activities under Section 8 Paragraph 7, must include

a) the type of school, if acting as a school,

b) the type of educational institution that provides the institutional education, protective education or preventive educational care, if acting as an educational institution,

c) the type of educational institution if not identified under (b).

 (2) The name of the legal entity or state body that pursues the activities under Paragraph 1(a) and Paragraph 1(b) may also contain a reference to all categories or types of educational institutions provided that the legal entity or state body acts as such an educational institution.

 (3) The name may include an additional attribute or an honorific title, if granted by the Ministry.”

 4. In Section 14 Paragraph 2, the words “relevant year” shall be erased.

 5. In Section 16 Paragraph 8 and 9, the words “with the consent of the Regional Authority” shall be erased.

 6. Paragraph 10 shall be inserted in Section 16 as follows

 "(10) To set up a class, department or a study group with a modified educational programme in a school under Paragraph 8, and to create a position of teacher’s assistant under Paragraph 9, schools established by the Ministry or registered churches or religious societies that are authorized under special legislation to establish church schools shall require the Ministry’s consent. For schools established by any other entities, the consent is to be granted by the Regional Authority."

 7. The following words shall be added to the end of Section 26, paragraph 2 "; in sports-oriented Gymnasia up to 46 compulsory lessons per week”

 8. In Section 28 Paragraph 1 Subparagraph c) the words "children, pupils and students" shall be replaced with "children, pupils, students and candidates".

 9. The following sentence shall be inserted after the first sentence of Section 28 Paragraph 7: "Certificates, vocational certificates and graduation diplomas must state the pupil’s or student’s birth registration number, if assigned."

 10. In the first sentence of Section 60 Paragraph 8, the words "so as to complete the admission process by the end of August” shall be erased.

 11. The first sentence of Section 61 Paragraph 4 shall be erased.

 12. Paragraph 6 of Section 79 shall state:

 "(6) “Before the start or in the course of Maturita examination, pupils will be entitled to a 5-school-day leave to prepare for the Maturita examination; the exact dates shall be specified by a school principal.”

 13. In Section 80 Paragraph 10, the words "Centre for the Monitoring of Results of Education” shall be replaced with the word “Ministry”.

 14. The following sentence shall be inserted after the first sentence of Section 81 Paragraph 6: "A pupil who completed secondary education ended by Maturita examination by passing the Maturita examination held under the previous legislation is not required to take the common part of the Maturita examination.”

 15. The following sentences shall be inserted at the end of Paragraph 1 of Section 94: "The application form must state the candidate’s birth registration number, if assigned".

 16. Sections 113a to 113c shall be inserted after Section 113, including headings and footnotes 26a and 26b, as follows:

"Section 113a

**Recognition of Continuing Education for Admission to Higher Grades**

 For the purposes contemplated in Section 63, a partial qualification certificate, issued under special legislation 26a), shall be considered a proof of previous education.

Section 113b

**Recognition of Partial Education in the Course of Education**

 For the purposes contemplated by Section 70, a partial qualification certificate, issued under special legislation26a, shall be considered proof of the pupil’s partial education.

Section 113c

**Conducting Final Examinations, Maturita Examinations or Graduation Examinations from Conservatories**

 (1) Even without having attained prior education at a secondary school or in a conservatory, or without having passed examinations from all subjects or other self-contained parts of the curriculum set forth by the framework and school educational programme of the corresponding programme of study at all grades of school education, a person having at least primary education who was awarded partial qualifications under special legislation26a which affirm in aggregate that he or she mastered all professional competencies needed to duly perform the work activities pursued in a particular occupation, as laid down in the National Register of Qualifications, shall be entitled to the education level if he or she passes the final examination, Maturita examination or graduation examination from a conservatory in the programme of study. The principal of a school that offers tuition in the programme of study shall allow the person specified in the first sentence, at that person’s application, to take the final examination, Maturita examination or graduate examination from a conservatory. The examination date shall be specified by the school principal.

 (2) The person described in Paragraph 1 may take the final examination, Maturita examination or the graduation examination from a conservatory even if he or she does not attend the school, in which case the person shall take the examination under the same conditions as if he or she did attend the school. In schools that are not established by the State, a Regional Authority, an association of municipalities or a municipality, a school principal may set the fee for allowing the person to take the final examination, Maturita examination or graduation examination from a conservatory. The school shall receive the fee as income.

 (3) Paragraphs 1 and 2 do not apply to programmes of study that lead to the qualification to practice paramedical professions under special regulation26b.

 26a) The Act 179/2006 Sb., *To Regulate the Validation and Recognition of the Results of Continuing Education and to Amend Some Laws* (Continuing Education Recognition Act)

 26b) The Act 96/2004 Sb., *To Regulate the Conditions for the Attainment and Recognition of Qualification to Practice Paramedical Professions, and to Amend Some Related Laws* (Paramedical Occupations Act), as amended by Act 125/2005 Sb.".

 17. In the first sentence of Section 163 Paragraph 1, the following words shall be inserted after the word “founders”: "Funds are awarded from the state budget to settle the necessary and verifiable costs of final examinations, Maturita examinations and graduation examinations from conservatories under Section 113c".

 18. In the introductory segment of the second sentence of Section 163 Paragraph 1, the words "under Section 171 Paragraph 1 and 2" shall be replaced with "under Section 171 Paragraph 1 and 2, and to settle the necessary and verifiable costs of final examinations, Maturita examinations and graduation examinations from conservatories under Section 113c".

 19. Paragraph 9 in Section 174 shall read:

 "(9) Auditors must have completed higher education, have at least 5 years of professional experience and comply with other conditions laid down by special legislation45 or, alternatively, must have completed secondary education with a Maturita examination, have at least 20 years of professional experience and comply with other conditions laid down by special legislation45."

 20. Paragraph 7 shall be inserted in Section 183:

 "(7) The Ministry or its organisation may use the birth registration numbers of the candidates, children, pupils, and students to collect and process the data from records kept by schools, educational institutions and school registry offices, and in making statistical analyses of those data49. A legal entity that acts as a school or an educational institution may surrender the birth registration numbers of candidates, children, pupils and students for the purposes identified in first sentence.”

 21. The second sentence of Section 185 Paragraph 1 shall read: "The validity of study materials approved under the existing legal regulations, starting with the first year, shall end on this day; until then, enrolment into education, the process of education and the completion of education shall proceed based on such study materials".

 22. In Section 185 Paragraph 2, the number "3" shall be replaced with the number "7" and a second sentence shall be inserted after the first sentence, as follows: "Tertiary vocational schools may use the study materials approved under existing legislation by the end of the school year 2011/2012.".

 23. Paragraph 24 shall be inserted in Section 185 as follows:

 "(24) The school principal shall proceed in accordance with Section 60 Paragraph 4 the second part of Subparagraph a), which starts with the words "and also the graduation report card ", from the school year 2007/2008.".

**PART FOUR**

**Amendment of the Educational Staff Act**

Section 28

 Act 563/2004 Sb., *On Educational Staff and Amendment of Some Laws* (Educational Staff Act), as amended by 383/2005 Sb., shall be amended as follows:

 1. Section 32 shall read:

"Section 32

 An individual who does not satisfy the conditions set forth in Section 3 Paragraph 1 Subparagraph b), may pursue the teaching profession after the effective date of the present Act,

a) if, at the effective date of the present Act, he or she has reached 50 years of age and, by pursuing the teaching profession at this type or sort of school for at least 15 years, he or she has demonstrated the professional competence and skills needed to practice the profession,

b) for no more than five years, unless he or she starts or has started studying in order to attain the qualification required, and successfully completes the studies within that period,

c) if higher education institutions do not offer programmes of study relevant to secondary or tertiary vocational teaching in his or her subject. In this case, the highest available qualification shall be deemed sufficient.".

 2. A new Section 32a shall be inserted after Section 32, as follows:

"Section 32a

 An individual who does not satisfy the conditions laid down in Section 3 Paragraph 1 Subparagraph b) may be appointed a school principal, if the individual has graduated from an accredited masters’ study programme, and starts or has started studying in order to attain the qualification required and successful completes the studies within two years from the date of appointment. "

**PART FIVE**

**Amendment of the Trade Licensing Act**

Section 29

 In Section 3 by Act 455/1991 Sb., *To Regulate Trades* (Trade Licensing Act), as amended by Act 600/1992 Sb., Act 273/1993 Sb., Act 303/1993 Sb., Act 38/1994 Sb., Act 42/1994 Sb., Act 200/1994 Sb., Act 237/1995 Sb., Act 286/1995 Sb., Act 147/1996 Sb., Act 19/1997 Sb., Act 49/1997 Sb., Act 79/1997 Sb., Act 217/1997 Sb., Act 15/1998 Sb., Act 157/1998 Sb., Act 167/1998 Sb., Act 356/1999 Sb., Act 360/1999 Sb., Act 363/1999 Sb., Act 121/2000 Sb., Act 122/2000 Sb., Act 123/2000 Sb., Act 124/2000 Sb., Act 149/2000 Sb., Act 151/2000 Sb., Act 158/2000 Sb., Act 247/2000 Sb., Act 258/2000 Sb., Act 362/2000 Sb., Act 409/2000 Sb., Act 458/2000 Sb., Act 100/2001 Sb., Act 120/2001 Sb., Act 256/2001 Sb., Act 274/2001 Sb., Act 477/2001 Sb., Act 281/2002 Sb., Act 162/2003 Sb., Act 224/2003 Sb., Act 167/2004 Sb., Act 257/2004 Sb. and by Act 499/2004 Sb., the full stop at the end of Paragraph 3 shall be replaced with a comma; Subparagraph ag) shall be inserted, including the footnote 23p, as follows:

"ag) authorized persons and entities that may validate the professional competence required for a partial qualification under special legislation23p).

 23p) Act 179/2006 Sb.,*To Regulate the Validation and Recognition of Results of Continuing Education and to Amend Some Laws* (Continuing Education Recognition Act)."

**PART SIX**

**Amendment of Administrative Fees Act**

Section 30

 Subparagraph j) and k), including footnote 26a, shall be inserted in part I under entry 22 of the annex to Act 634/2004 Sb., on administrative fees, as amended by Act 217/2005 Sb., Act 228/2005 Sb., Act 361/2005 Sb., Act 444/2005 Sb., Act 545/2005 Sb., and by Act 553/2005 Sb., as follows:

"j) the Grant of the authorization26a) (to validate the achievement of professional competence required to attain partial qualification or qualifications) per each qualification: CZK 1,500 but no more than CZK 10,000

k) Extension of the authorization26a) identified under j) CZK 500

 26a) Act 179/2006 Sb.,To Regulate the Validation and Recognition of Results of Continuing Education and to Amend Some Laws (Continuing Education Recognition Act)."

**PART SEVEN**

**Amendment of Income Taxes Act**

Section 31

 Act 586/1992 Sb., *on Income Taxes*, as amended by Act 35/1993 Sb., Act 96/1993 Sb., Act 157/1993 Sb., Act 196/1993 Sb., Act 323/1993 Sb., Act 42/1994 Sb., Act 85/1994 Sb., Act 114/1994 Sb., Act 259/1994 Sb., Act 32/1995 Sb., Act 87/1995 Sb., Act 118/1995 Sb., Act 149/1995 Sb., Act 248/1995 Sb., Act 316/1996 Sb., Act 18/1997 Sb., Act 151/1997 Sb., Act 209/1997 Sb., Act 210/1997 Sb., Act 227/1997 Sb., Act 111/1998 Sb., Act 149/1998 Sb., Act 168/1998 Sb., Act 333/1998 Sb., Act 63/1999 Sb., Act 129/1999 Sb., Act 144/1999 Sb., Act 170/1999 Sb., Act 225/1999 Sb., by the Constitutional Court’s Judgment promulgated under ref. No. 3/2000 Sb., by Act 17/2000 Sb., Act 27/2000 Sb., Act 72/2000 Sb., Act 100/2000 Sb., Act 103/2000 Sb., Act 121/2000 Sb., Act 132/2000 Sb., Act 241/2000 Sb., Act 340/2000 Sb., Act 492/2000 Sb., Act 117/2001 Sb., Act 120/2001 Sb., Act 239/2001 Sb., Act 453/2001 Sb., Act 483/2001 Sb., Act 50/2002 Sb., Act 128/2002 Sb., Act 198/2002 Sb., Act 210/2002 Sb., Act 260/2002 Sb., Act 308/2002 Sb., Act 575/2002 Sb., Act 162/2003 Sb., Act 438/2003 Sb., Act 19/2004 Sb., Act 47/2004 Sb., Act 49/2004 Sb., Act 257/2004 Sb., Act 280/2004 Sb., Act 359/2004 Sb., Act 360/2004 Sb., Act 436/2004 Sb., Act 562/2004 Sb., Act 628/2004 Sb., Act 669/2004 Sb., Act 676/2004 Sb., Act 179/2005 Sb., Act 217/2005 Sb., Act 342/2005 Sb., Act 357/2005 Sb., Act 545/2005 Sb., and by Act 552/2005 Sb., shall be amended as follows:

 1. Paragraph 8 shall be inserted to Section 15, including foot note 82a, as follows:

 "(8) From the tax base of the relevant tax period, a taxpayer may deduct fees of up to CZK 10,000 paid for examinations which validate results of continuing education under the Continuing Education Recognition Act82a, except where they were settled by the employer or claimed as an expense under Section 24 by a taxpayer with income under Section 7. Disabled taxpayers may deduct up to CZK 13,000 over the course of a tax period and severely disabled taxpayers up to CZK 15,000.

 82a) Act 179/2006 Sb.,*To Regulate the Validation and Recognition of Results of Continuing Education and to Amend Some Laws* (Continuing Education Recognition Act)."

 2. The full stop shall be replaced by a comma at the end of Paragraph 2 of Section 24, and Subparagraph zv) shall be inserted as follows:

"zv) expenses (costs) incurred by a taxpayer with income under Section 7 in order to settle fees of up to CZK 10,000 for examinations that validate results of continuing education under the Continuing Education Recognition Act82a in connection with the taxpayer’s business or other self-employment activities. Disabled taxpayers may deduct to CZK 13,000 over the course of a tax period and severely disabled taxpayers up to CZK 15,000".

 3. Subparagraph j) shall be inserted after Subparagraph i) in Section 38k Paragraph 5, as follows:

"j) in the amount of the fee paid for examinations that validate results of continuing education under Section 15,".

The existing Subparagraph j) shall be designated as k).

 4. At the end of paragraph 1 of Section 38l the full stop shall be replaced with a comma, and Subparagraph l) shall be inserted as follows:

"l) receipt for the payment of the examination fee to validate results of continuing education under the Continuing Education Recognition Act82a, if the taxpayer claims the tax base reduction under Section 15."

**PART EIGHT**

**Amendment of the Act on Granting Subsidies to Private Schools, Preschool and Education Institutions**

Section 32

 Section 1 Paragraph 3 of Act 306/1999 Sb., on Granting Subsidies to Private Schools, Preschool and Educational Institutions, as amended by Act 562/2004 Sb., shall state:

 "(3) A funding to a legal entity that acts as an elementary art school shall be granted for the education of pupils attending the school before starting compulsory school education, pupils attending compulsory school education, pupils at full-time study programmes at a secondary school or conservatory, and students in full-time study programmes at tertiary vocational schools."

**PART NINE**

**EFFECTIVE DATE**

Section 33

 The present Act shall take effect from 1 August 2007, except for Part I of Chapter I and II, Section 22 Subparagraph a), Section 23 and 24, Section 25 Paragraph 1, Part II, Part III Subparagraphs 2 to 15 and 19 to 23, Part IV and Part VIII, which shall take effect from the day of the present Act’s promulgation.

**Zaorálek, signed by his own hand.**

**Klaus, signed by his own hand**

**Paroubek, signed by his own hand**

**Annex**

**Competence of Central Administrative Authorities in Awarding Authorizations Classified by Occupations**

|  |  |
| --- | --- |
| Central administrative authority  | competent to award authorization foroccupations in the field of |
| Ministry of Transport and Transportation | transport and transportation |
| Ministry of Finance | money management, prices, financialcontrol and audit,accounting, tax consultingmanagement of state assetsinsurance |
| Czech National Bank  | banking |
| Ministry of Industry and Trade | electronic communicationsand postal services |
| Ministry of the Interior | information and communicationtechnologies other than electroniccommunications |
| Ministry of Culture | art, cultural education, preservation of monumentschurches and religious societies,press and other information mediacopyright act, production and traderelated to culture |
| Ministry of Defence | defence of the Czech Republiccivil defence |
| Ministry of Labour and Social Affairs | employment and labour relations,occupational safetyemployment policy, retraining,pension scheme, social carefamily and children’s carecare for citizens who needspecial care |
| Ministry for Regional Development | housing fund,planning, and building codeinvestment policy, tourist industry,funeral services |
| Ministry of Industry and Trade | use of mineral resources,power engineering, heating production,gas industry, extraction and refinementof crude oil and natural gas,solid fuels and radioactive raw materialsores, metallurgy, mechanical engineeringelectrical engineering and electronics,chemical and crude oil refinement industryrubber industry, plastics industry,glass and ceramics, textile and clothingindustry, leather and printing industrypaper and cellulose industry, woodprocessing, building materials productionstructural trades, healthcare supplies production, scrap and metal wasteforeign trade, standardization,metrology, state testing,industrial research, technology developmenthallmarking and precious metal testing |
| Ministry of Justice | courts and public prosecutor’s office,prison service, probation and mediation |
| Ministry of Education, Youth and Sports | schools and educational institutionsrecorded in the registry of schoolshigher schools, science, research and development, public care forchildren and the youth, physical educationsports, tourism, sport representation |
| Ministry of the Interior | rule of law, order andsecurity including supervisionover traffic safety and traffic flowpopulation statistics, archiving and keeping records, weapons and ammunition, fire protection, residence of foreigners and refugees, emergency management, civil emergency planning, civil protection and integrated rescue system,administrative process, imposing ofadministrative sanctions, Police of theCzech Republic, regional state authorities |
| Ministry of Foreign Affairs | foreign policy and diplomaticservices |
| Ministry of Healthcare | healthcare services, public health protectionmedical science research,prospecting, protection and use of natural medical resources, therapeutic mineral spasmedicines and healthcare technology, health prevention, diagnostics and treatment,health insurance, healthcare informationsystem |
| Ministry of Agriculture | agriculture (except for the protectionof agriculture soil fund), water management (except for the protection of natural accumulated water fund), water source protection and protection of surface water and groundwater, foodstuff industry,forests, game management and fishing(except for the territory of national parks commodity exchange trading with agriculture and forestry goods and related products, veterinary administration,controls and testing in agriculture,animal breeding, veterinary careplant treatment, foodstuff quality,animal cruelty prevention, protection of rights to plant varieties and animal breeds |
| Ministry of Environment | environment, protection of natural water accumulation, protection of water sources and protection of surface water and groundwater quality, air protection,nature and landscape protection, running of of zoos, protection of agricultural soil fund, state geological services, protection of mineral environment, including mineral resources and groundwater, geological services and environmental supervision over mineral extraction, waste management, forestry, fish management and forest management in national parks,security of integrated environment information system, including blanket screening,hydrometeorology |

**Selected Amended Provisions**

Article II

**Transitional Provisions**

 Certificate of partial qualification attainment, issued under Act 179/2006 Sb., as amended at the effective date of the present Act, shall be held to a certificate of professional competence under Act 179/2006 Sb., as amended at the effective date of the present Act.

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1) For example Act 561/2004 Sb., on Pre-school, Primary, Secondary, Tertiary Vocational and Other Education (the Education Act), as amended by Act 383/2005 Sb., Act 111/1998 Sb., on Higher Schools and on Amendment of Other Laws (the Higher Schools Act), as amended, by Act 18/2004 Sb., on Recognition of Vocational Qualifications and Other Competence of Residents of Other EU Member States and on Amendment of Some Acts (the Vocational Qualification Recognition Act), as amended, Act 95/2004 Sb., on Conditions for Attainment and Recognition of Professional Competence and Specialized Competence to Practice Medical, Dentist and Pharmacist Professions, as amended by Act 125/2005 Sb., Act 96/2004 Sb., on Conditions for Attainment and Recognition of Professional Competence to Practice Paramedical Professions and to Pursue Activities Related to Healthcare Provision and On Amendment of Some Related Laws (the Paramedical Professions Act), as amended by Act 125/2005 Sb., Act 85/1996 Sb., on Legal Profession, as amended, Act 312/2002 Sb., on Officers of Self-Governing Regional Units, and on Amendment of Some Laws, as amended by Act 46/2004 Sb., Act 360/1992 Sb., on the Practice of Profession of Authorized Architects and Practice of the Profession of Authorized Construction Engineers and Technicians, as amended, Act 111/1994 Sb., On Road Transportation, as amended, Regulation 224/1995 Sb., on the Competence to Navigate and Operate Vessels, as amended by Regulation 295/2005 Sb., Act 258/2000 Sb., on Public Health Protection, and on Amendment of Some Related Laws, as amended.

2) Act 561/2004 Sb., as amended by Act 383/2005 Sb.

3) Act 111/1998 Sb., as amended.

4) For example Section 6 Paragraph 1 Subparagraph c) of Act 435/2004 Sb., to Regulate Employment.

5) Section 113a to 113c of Act 561/2004 Sb., as amended by Act 179/2006 Sb.

6) Government Decree 689/2004 Sb., on the System of Primary, Secondary and Tertiary Vocational Education.

7) Act 634/2004 Sb., on Administrative Fees, as amended

7a) Act 111/2009 Sb., on Core Registers

8) For example Act 634/2004 Sb., as amended

10) Section 2 Subparagraph t) and Section 6 of Act 352/2001 Sb., to regulate the use of national emblems of the Czech Republic, and Amend Some Laws.

11) Act 499/2004 Sb., on Archival and File Keeping Services, and on Amendment of Some Laws, as amended.

12) Section 28 Paragraph 8 of Act 561/2004 Sb.

Section 3 of Decree 223/2005 Sb., on Some Educational Certificates.

13) Section 7 Paragraph 1 Subparagraph e) of Act 3/2002 Sb., on Freedom of Religious Confession and Position of Churches and Religious Societies, and on Amendment of Some Laws (Church and Religious Societies Act).

14) Section 113c of Act 561/2004 Sb., as amended by Act 179/2006 Sb.

15) Section 124 of the Labour Code, as amended.

16) Act 119/1992 Sb., on Travel Expenses, as amended.

17) Section 9 of Act 500/2004 Sb.

Section 65 of Act 150/2002 Sb. Rules of Administrative Procedure.

18) Act 500/2004 Sb., as amended by Act 413/2005 Sb.

19) Section 108 of Act 435/2004 Sb., on Employment, as amended

20) Section 2 Paragraph 2 of the Commercial Code.